

Catherine L. Brabson (#6500)  
SALT LAKE CITY CORPORATION  
P.O. Box 145478  
451 South State Street, Suite 505A  
Salt Lake City, Utah 84114-5478  
Telephone: (801) 535-7788  
Facsimile: (801) 535-7640  
[Catherine.Brabson@slcgov.com](mailto:Catherine.Brabson@slcgov.com)

*Attorney for Defendants Jackie Biskupski and James Allred*

---

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

---

RUSSELL G. GREER,

Plaintiff,

vs.

GARY R. HERBERT, in his individual capacity as Governor of the State of Utah; SEAN D. REYES, in his official capacity as Attorney General of the State of Utah; SIM S. GILL, in his official capacity as District Attorney of the City and County of Salt Lake; JACKIE BISKUPSKI, in her official capacity as Mayor of the City of Salt Lake, BEN MCADAMS, in his official capacity as Mayor of the Count of Salt Lake, KATHY BERG, in her official capacity as Director of the Division of Commerce; JAMES ALLRED, in his official capacity as Business Licensing Manager for the City of Salt Lake; ROLEN YOSHINAGA, in his official capacity as Director of Planning and Development of the County of Salt Lake,

Defendants.

**REQUEST TO SUBMIT FOR  
DECISION RE DEFENDANTS  
BISKUPSKI AND ALLRED'S  
MOTION TO DISMISS  
SUPPLEMENTAL COMPLAINT  
FOR FAILURE TO STATE A  
CLAIM AND MEMORANDUM IN  
SUPPORT**

Case No. 2:16-cv-01067

Judge Dustin B. Pead

---

Pursuant to DUCivR 7-3, Defendants Jackie Biskupski and James Allred in their official capacity (collectively the “City Defendants”) hereby submit for decision their Motion to Dismiss Plaintiff’s Supplemental Complaint for Failure to State a Claim and Memorandum in Support. The City Defendants filed their Motion to Dismiss and Memorandum in Support on September 26, 2017 (Dkt. No. 56). Plaintiff did not file an opposition pleading and the time for doing so has expired. The City Defendants do not request a hearing on their motion.

DATED this 7<sup>th</sup> day of November, 2017.

/s/ Catherine L. Brabson  
CATHERINE L. BRABSON  
*Attorney for Defendants Jackie Biskupski  
and James Allred*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of November, 2017, a true and correct copy of the **REQUEST TO SUBMIT FOR DECISION RE DEFENDANTS BISKUPSKI AND ALLRED'S MOTION TO DISMISS SUPPLEMENTAL COMPLAINT FOR FAILURE TO STATE A CLAIM AND MEMORANDUM IN SUPPORT** was electronically filed with the Court using the CM/ECF system, which sent notice to the following:

Gregory M. Soderberg  
David N. Wolf  
UTAH ATTORNEY GENERAL'S OFFICE  
P.O. Box 140856  
160 East 300 South, 6<sup>th</sup> Floor  
Salt Lake City, UT 84114-0856  
[gmsoderberg@agutah.gov](mailto:gmsoderberg@agutah.gov)  
[dnwolf@agutah.gov](mailto:dnwolf@agutah.gov)  
*Attorney for Defendants Gary Herbert, Sean D. Reyes, and Kathy Berg*

David M. Quealy  
Jennifer Bailey  
SALT LAKE COUNTY DISTRICT ATTORNEY'S OFFICE  
2001 South State Street, Suite S3-600  
Salt Lake City, UT 84190  
[dquealy@slco.org](mailto:dquealy@slco.org)  
[jenbailey@slco.gov](mailto:jenbailey@slco.gov)  
*Attorney for Defendants Sim S. Gill, Ben McAdams, and Rolen Yoshinaga*

was sent via email and first class mail, postage prepaid, to the following:

Russell Greer  
1450 South West Temple, # D 206  
Salt Lake City, UT 84115  
[russmark@gmail.com](mailto:russmark@gmail.com)  
*Plaintiff pro se*

\_\_\_\_\_  
/s/ Lindsay Ross